

Claim Rejections - 35 USC §102

In the Office Action, the Examiner continues to reject Claims 4 and 9-11 under 35 USC §102(b) as being anticipated by Nakada (US 5,393,614). This rejection is respectfully traversed.

More specifically, independent Claim 4 recites the feature of “a layer in which a phenanthroline derivative represented by a general formula (3) and at least one element selected from alkali metals and alkali-earth metals are mixed” (emphasis added).

Nakada does not disclose or suggest this claimed feature. The Examiner, however, contends that Nakada discloses in example 1 “magnesium was vacuum co-deposited on the electronic transport layer (see col. 21, lines 1-5) containing compound 88 (electron transport material). Thus, the layer 5 of the cited patent contains compound 88 as well as alkali-earth metal (magnesium) and therefore, claims 4 and 9-11 are anticipated by this reference.” Applicants respectfully disagree.

Claim 4 states that a phenanthroline derivative … and at least one element selected from alkali metals and alkali-earth metals are mixed. In contrast, in Example 1 in Nakada, a phenanthroline derivative was deposited to be an electron transport layer, and “then”, a magnesium and silver alloy was deposited “on the electron transport layer.” See e.g. col. 20, line 65 – Col. 21, line 5 in Nakada. With regard to term “co-deposited” in line 2 in Col. 21 in Nakada, it is respectfully submitted that this refers to the magnesium being deposited “simultaneously” with the silver. See lines 3-4 in Col. 21 in Nakada. The use of the term “Then” at line 1, Col. 21 in Nakada clearly indicates that the magnesium is deposited after the phenanthroline derivative. Hence, the phenanthroline derivative and the magnesium are not mixed as in Claim 4.

Therefore, independent Claim 4 is not disclosed or suggested by Nakada, and Claim 4 and those claims dependent thereon are patentable over Nakada. Accordingly, it is respectfully requested

that this rejection be withdrawn.

Claim Rejections – 35 USC §112

The Examiner now rejects Claims 4 and 9-11 under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully disagree.

More specifically, the Examiner contends that amended Claim 4 (in the amendment dated July 24, 2009) includes the term --- are mixed --- and that this introduces new matter since the term is not present in the original specification. Applicants respectfully disagree.

In particular, there is clear support in the present application for this claimed feature. For example, paragraph [0043] in the specification of the present application as originally filed states that electron injecting layer includes a phenanthroline derivative and one of an alkali metal and an alkali-each metal. Hence, these materials are mixed.

Therefore, there is a clear support for this claimed feature, and no new matter has been added. Accordingly, it is respectfully requested that this rejection be withdrawn.

Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee should be due for this response, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

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Respectfully submitted,

Mark J. Murphy/
Mark J. Murphy
Registration No. 34,225

COOK ALEX LTD.
200 West Adams Street
Suite 2850
Chicago, Illinois 60606
(312) 236-8500

Customer No. 26568